



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**MAR - 7 2013**

Mr. Thomas A. De Gise  
Hudson County Executive  
Brennan Court House  
583 Newark Avenue  
Jersey City, New Jersey 07306

Dear Mr. De Gise:

Thank you for your January 25, 2013 letter to the United States Environmental Protection Agency on the agency's study of options for cleaning up the lower eight-mile stretch of the Passaic River. That stretch of the river, from Newark Bay to the Belleville area, is the subject of what is referred to as a Focused Feasibility Study. The EPA shares your goal that the remediation of the lower 17-mile stretch of the Passaic River be accomplished as quickly as possible. The agency is conducting the Focused Feasibility Study because we believe it will result in a cleanup plan for the lower eight miles that is consistent with the longer-term remediation and will address the most contaminated stretch of the river on an expedited schedule.

The EPA is implementing the cleanup of this complex river system in phases. Last year, the EPA completed the removal of 40,000 cubic yards of the most highly contaminated sediment in the Passaic River, adjacent to the former Diamond Alkali facility in Newark, New Jersey. This year, the EPA will remove another approximately 20,000 cubic yards of highly contaminated sediment from a mudflat near Lyndhurst, New Jersey. The next step in the remediation is to address the sediment of the lower eight miles of the river, which EPA data show are the major source of contamination to the rest of the river and Newark Bay.

The purpose of the Focused Feasibility Study is to document the nature and extent of contamination in the sediment of the lower eight miles of the river, calculate the risks and health hazards posed by exposure to that sediment and evaluate alternatives for reducing risks to public health and the environment. The information collected to-date for the 17-mile Remedial Investigation and Feasibility Study by the Cooperating Parties Group, with EPA oversight, has been incorporated into the Focused Feasibility Study. That information has strengthened the analyses that will form the basis for the EPA's proposal of a preferred cleanup plan for the lower eight miles.

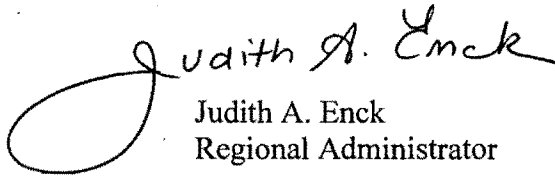
The tidal nature of the river causes contaminants to flow both upstream and downstream from Newark Bay to the Dundee Dam. While it is common to conduct river cleanup projects from upstream to downstream, this approach does not apply to the lower Passaic because of its tidal patterns. A delay in the selection and cleanup of sediment containing highly toxic dioxin and other contaminants is not necessary to bring about an effective cleanup of the larger area. In addition, the Focused Feasibility Study is expected to be released in 2013. It would, therefore, not be productive to postpone the proposal of a cleanup plan for the lower eight miles of the Passaic.

The cleanup of the lower eight miles will be implemented following engineering and quality of life standards designed to protect public health and minimize potential impacts to river users and communities along the river. The EPA's work on the Phase 1 sediment removal project in Newark and the design plans for the upcoming sediment removal project in Lyndhurst demonstrate the agency's commitment to protecting communities during cleanups and our focus on preserving the quality of life for everyone who lives or works along the lower Passaic River.

I urge you to review the Focused Feasibility Study and the EPA's proposed cleanup plan when they are published later this year. In the interim, the EPA will hold a briefing for local elected officials to discuss the agency's development of cleanup options for the lower eight miles and how those plans fit into the overall study and remediation of the lower 17 miles of the Passaic. We will be in touch with you in the near future with details and encourage you and your staff to attend.

If you have any questions, please contact me or Ray Basso of our Emergency and Remedial Response Division at 212-637-4417.

Sincerely,

A handwritten signature in black ink, reading "Judith A. Enck". The signature is fluid and cursive, with a large loop at the beginning of the first name.

Judith A. Enck  
Regional Administrator

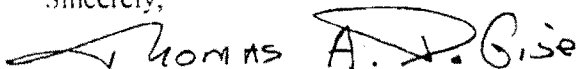
We are in agreement that action needs to be taken to mitigate the contamination in the LPRSA. However, it is illogical to issue a final remedy for downstream before addressing upstream and ongoing contamination. It is also illogical to have two overlapping studies, especially since the data collected pursuant to the RI/FS should be considered in selecting a remedy for the full LPRSA. Since 2007, millions of dollars have been spent studying the LPRSA and characterizing the contamination to develop sound and effective remedial options. If Region 2 advances the FFS in the lower eight miles of the LPRSA, the data collected as part of the RI/FS throughout the 17-mile LPRSA will be rendered useless, as implementing a bank-to-bank remedy in the lower eight miles will result in recontamination throughout the LPRSA. Allowing years of work, millions of dollars and valuable data to be wasted would be completely irresponsible on the part of the EPA, and further delay any action in the upper nine miles of the river.

It is our understanding that the CPG has proposed an alternative remedy for the LPRSA called the Sustainable Remedy. As proposed, the Sustainable Remedy addresses the entire 17 miles of the LPRSA, not just the lower eight miles, and significantly reduces risk much quicker than the FFS without decades of dredging and community disruption. Based on what we know about the FFS, we believe the dredging proposed in the FFS will take decades – between 20 and 30 years – to complete, not the 6 to 11 years estimated by Region 2. We also have serious concerns about the bridge openings that will be required to support the FFS, the potential for significant traffic congestion, and potential air pollution that may result from a project of this magnitude.

The CPG is also proposing an out-of-river component as part of the Sustainable Remedy. This component would help reduce ongoing sources of contamination that continue to flow into the LPRSA and advance local projects that will improve and enhance the watershed. We see a great deal of value in the out-of-river component of the CPG's Sustainable Remedy. The FFS fails to provide any value whatsoever to those riverfront communities that have been forced to deal with a contaminated Lower Passaic River for decades.

Simply put, the FFS is premature. The decisions made this year will impact our community for the next 100 years. Accordingly, we strongly recommend that Region 2 set aside the FFS, allow the CPG to complete the RI/FS as quickly as possible, examine all remedial alternatives for the entire 17 miles of the LPRSA based on all data that is and will become available, and work with the CPG and the riverfront communities to advance one comprehensive remedial solution that restores the River and provides value to communities along the River.

Sincerely,

 Thomas A. DeGise

Thomas A. DeGise, Hudson County Executive

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COUNTY OF HUDSON



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**THOMAS A. DE GISE**  
COUNTY EXECUTIVE

January 25, 2013

Judith A. Enck  
Regional Administrator  
U.S. Environmental Protection Agency, Region 2  
290 Broadway  
New York, NY 10007-1866

Dear Regional Administrator Enck:

As County Executive of Hudson County, I write to you today to oppose the United States Environmental Protection Agency Region 2's Focused Feasibility Study (FFS). While it is difficult to comment on a document that has not been released, we have learned the document is reported to contain recommendations we believe would be detrimental to the restoration of the Lower Passaic River and disruptive to our community.

We urge Region 2 to set aside the FFS and allow the Remedial Investigation/Feasibility Study (RI/FS) for the entire 17 miles of the Lower Passaic River Study Area (LPRSA) to be completed as quickly as possible to examine all possible remedial alternatives. Together with all stakeholders, Region 2's focus must be on the development and implementation of one comprehensive remedial solution that restores the LPRSA and provides value to communities along the River.

In May 2007, the LPRSA Cooperating Parties Group (CPG) entered into an agreement with Region 2 to complete the RI/FS of the lower 17.4-miles of the Lower Passaic River – a process that is on schedule and slated to be completed in 2015 at a cost of over \$75 million. In June 2007, one month after the CPG and Region 2 executed the RI/FS Agreement, Region 2 issued its Draft FFS Report identifying remedial alternatives for final action for the sediments in the lower eight miles of the LPRSA. We understand that a revised draft FFS was presented to the National Remedy Review Board in December 2012, and the FFS and Proposed Plan are scheduled to be released in March 2013.

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